

# PUBLIC NOTICE

# **01-4**UNITED STATES BANKRUPTCY COURT DISTRICT OF SOUTH CAROLINA Brenda K. Argoe, Clerk of Court



TO: Practitioners/Constituents

SUBJECT: Automatic Adjustment of Certain Dollar Amounts in the

Bankruptcy Code and Official Bankruptcy Forms

DATE: March 29, 2001

On April 1, 2001, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code, Title 11, U.S.C., will become effective. These amended dollar amounts will apply to cases filed on or after April 1, 2001. Attached is a chart showing the affected sections of the Bankruptcy Code and both the current and the revised dollar amounts.

Two of the Official Bankruptcy Forms contain references to several of the affected dollar amounts. Accordingly, Official Form 6E, Schedule of Creditors Holding Claims Entitled to Priority, and Official Form 10, Proof of Claim, also will be amended April 1, 2001, and will apply to cases filed on or after that date. Copies of the amended forms are also attached.

Adjustment of Certain Dollar Amounts in Title 11, United States Code				
11 U.S.C.	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount		
Section 109(e) - allowable debt limits for filing bankruptcy under Chapter 13	\$269,250 (each time it appears) \$807,750 (each time it appears)	\$290,525 (each time it appears) \$871,550 (each time it appears)		
Section 303(b) - minimum aggregate claims needed for the commencement of an involuntary bankruptcy				
(1) - in paragraph (1)	\$10,775	\$11,625		
(2) - in paragraph (2)	\$10,775	\$11,625		
Section 507(a) - priority claims		·		
(1) - in paragraph (3)	\$ 4,300	\$4,650		
(2) - in paragraph (4)(B)(i)	\$ 4,300	\$4,650		
(3) - in paragraph (5)	\$ 4,300	\$4,650		
(4) - in paragraph (6)	\$ 1,950	\$2,100		
Section 522(d) - value of property exemptions allowed to the debtor				
(1) - in paragraph (1)	\$16,150	\$17,425		
(2) - in paragraph (2)	\$ 2,575	\$ 2,775		
(3) - in paragraph (3)	\$ 425 \$ 8,625	\$ 450 \$ 9,300		
(4) - in paragraph (4)	\$ 1,075	\$ 1,150		
(5) - in paragraph (5)	\$ 850 \$ 8,075	\$ 925 \$ 8,725		
(6) - in paragraph (6)	\$ 1,625	\$ 1,750		
(7) - in paragraph (8)	\$ 8,625	\$ 9,300		
(8) - in paragraph (11)(D)	\$16,150	\$17,425		
Section 523(a)(2)(C) - "luxury goods and services" or cash advances obtained by the consumer debtor within 60 days before the filing of a bankruptcy petition, which are considered nondischargeable	\$1,075 (each time it appears)	\$1,150 (each time it appears)		

**)** .

Form	B6E
(Rev	4/01

In re	Case No.
Debtor	(if known)

# SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H,""W,""J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650\* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

Claims of certain farmers and fishermen, up to \$4,650\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

# ☐ Deposits by individuals

Claims of individuals up to \$2,100\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

In re		,	Case No
	Debtor		(if known)
Alimony, Maintenance	e, or Support		
Claims of a spouse, forme	er spouse, or child of the debtor for a	alimony, maintenance, or supp	port, to the extent provided in 11 U.S.C. § 507(a)(7).
☐ Taxes and Certain Oth	ner Debts Owed to Governmental	Units	
Taxes, customs duties, and	d penalties owing to federal, state, a	nd local governmental units a	as set forth in 11 U.S.C. § 507(a)(8).
Commitments to Main	tain the Capital of an Insured Dep	pository Institution	
			ion, Comptroller of the Currency, or Board of Governor an insured depository institution. 11 U.S.C. § 507
* Amounts are subject to adadjustment.	justment on April 1, 2004, and even	ry three years thereafter with 1	respect to cases commenced on or after the date of
		continuation sheets attached	

United States Bankruptcy Court	DISTRICT OF	PROOF OF CLAIM
Name of Debtor	Case Number	
NOTE: This form should not be used to make a claim for an administrative of the case. A "request" for payment of an administrative expense may be		
Name of Creditor (The person or other entity to whom the debtor owes money or property):	Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Name and address where notices should be sent:	<ul> <li>☐ Check box if you have never received any notices from the bankruptcy court in this case.</li> <li>☐ Check box if the address differs from the address on the envelope</li> </ul>	
Telephone number:	sent to you by the court.	This Space is for Court Use Only
Account or other number by which creditor identifies debtor:	Check here if this claim ☐ replaces ☐ a previously ☐ amends	filed claim, dated:
1. Basis for Claim  ☐ Goods sold ☐ Services performed ☐ Money loaned ☐ Personal injury/wrongful death ☐ Taxes ☐ Other	□ Retiree benefits as defined in □ Wages, salaries, and comper Your SS #: Unpaid compensation for from	ensation (fill out below)  ———— services performed
	(date)	(date)
2. Date debt was incurred:	3. If court judgment, date obt	ained:
<ul> <li>4. Total Amount of Claim at Time Case Filed:         If all or part of your claim is secured or entitled to priority, al         Check this box if claim includes interest or other charges in add of all interest or additional charges.     </li> </ul>		im. Attach itemized statement
5. Secured Claim.  Check this box if your claim is secured by collateral (including a right of setoff).  Brief Description of Collateral:  Real Estate Motor Vehicle Other Value of Collateral: \$	filing of the bankruptcy petition or co is earlier - 11 U.S.C. § 507(a)(3).  Contributions to an employee benefit Up to \$2,100* of deposits toward pure services for personal, family, or house	to \$4,650),* earned within 90 days before essation of the debtor's business, whichever it plan - 11 U.S.C. § 507(a)(4). rchase, lease, or rental of property or schold use - 11 U.S.C. § 507(a)(6). wed to a spouse, former spouse, or child - ental units - 11 U.S.C. § 507(a)(8). a of 11 U.S.C. § 507(a)(). /1/04 and every 3 years thereafter with
7. Credits: The amount of all payments on this claim		This Space is for Court Use Only
8. Supporting Documents: Attach copies of supporting promissory notes, purchase orders, invoices, itemized accounts, contracts, court judgments, mortgages, see of perfection of lien. DO NOT SEND ORIGINAL E are not available, explain. If the documents are voluments are voluments are voluments as stamped copy: To receive an acknowledgment enclose a stamped, self-addressed envelope and copy.  Date  Sign and print the name and title, if any, of the creating contraction (attach copy of power of attorney, if any contraction).	d statements, such as d statements of running curity agreements, and evidence OCUMENTS. If the documents minous, attach a summary. Lent of the filing of your claim, of this proof of claim. ditor or other person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the statement of the person authorized to file of the person authorized to file of the person authorized to file of the statement of the person authorized to file of the person	10 U.G. 0 88 152 1055
Penalty for presenting fraudulent claim: Fine of up to \$500,000	or imprisonment for up to 5 years, or both	n. 18 U.S.C. §§ 152 and 3571.

# Instructions for Proof of Claim Form

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

# — DEFINITIONS ——

#### Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

#### Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

# **Proof of Claim**

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

# Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

# Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

# **Unsecured Priority Claim**

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

# Items to be completed in Proof of Claim form (if not already filled in)

### Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

# **Information about Creditor:**

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

# 1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

#### 2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

# 3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

#### 4. Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

#### 5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

# 6. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

#### 7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

# 8. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.